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SENATE

{ REPORT
{ No. 2028

HELGA EVELINE MATZ

JULY 1 (legislative day JUNE 27), 1952.—Ordered to be printed

Mr. McCARRAN, from the Committee on the Judiciary, submitted the following

REPORT

[To accompany H. R. 6109]

The Committee on the Judiciary, to which was referred the bill (H. R. 6109) for the relief of Helga Eveline Matz, having considered the same, reports favorably thereon without amendment and recommends that the bill do pass.

PURPOSE OF THE BILL

The purpose of the bill is to grant to the minor adopted child of United States citizens the status of a nonquota immigrant which is the status normally enjoyed by the alien minor children of citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill was born in Germany on November 29, 1950, and has been adopted by Mr. and Mrs. Albert W. Lenz, who are United States citizens and residents of New York City.

Congressman Jacob K. Javits, the author of the bill, submitted to the Committee on the Judiciary of the House of Representatives the following information in connection with the bill:

AMERICAN CONSULATE GENERAL,
Frankfort on the Main, Germany, November 9, 1951.

Hon. JACOB K. JAVITS,
House of Representatives.

MY DEAR MR. JAVITS: I take pleasure in providing you with a report on Helga Eveline Matz, a young child presently residing at Diakonissenhaus Elisabethenstift, Erbacherstrasse 25, Darmstadt, Germany. It is noted that your constituents, Mr. and Mrs. Albert W. Lenz, of 736 West One Hundred Seventy-third Street, New York City, had instituted proceedings for the purpose of adopting this child and desire to bring her to the United States at the earliest possible moment.

The files of the consulate general indicate that this child was born November 29, 1950, in Darmstadt and is registered as of August 7, 1951, on the waiting list of

intending immigrants in the nonpreference category of the German quota established by the Immigration Act of 1924, as amended. As a nonpreference immigrant with such a late date of registration she will encounter an indefinite waiting period, possibly of lengthy duration, before her turn is reached so that active consideration may be given to an application on her behalf for an immigration visa to the United States. As you doubtless know, many thousands of persons have registered for immigration since the end of the war in the nonpreference category of the German quota and are still awaiting their turn to proceed to the United States. The visa applications of these people are considered in chronological order in accordance with their dates of registration as intending immigrants so as to assure fair and equal treatment for all. The aforementioned Immigration Act of 1924, unfortunately for Mr. and Mrs. Lenz, does not provide nonquota preference of priority status for the alien adopted children of American citizens, with the result that, as previously mentioned, the child in whom they are so deeply interested must await her proper turn on the nonpreference waiting list before she may qualify for an immigration visa for the United States.

A careful study has also been made of all known possibilities under which the child might now proceed to the United States by virtue of existing legislative provisions other than those embodied in the Immigration Act of 1924. These possibilities appear all to be embodied in the Displaced Persons Act of 1948, as amended, and specifically in three sections thereof which provide for the according of special treatment to adopted children.

Under section 2 (e) of the Displaced Persons Act up to 5,000 special nonquota visas (i. e., visas granted without regard to the yearly quota limitations) may be issued to displaced persons who were 16 years of age or under on June 25, 1948, and who are orphans because of death, disappearance, abandonment, desertion, or separation from both parents or, if one parent remains, the remaining parent is incapable of providing care for the child and agrees to release the child for immigration and adoption or guardianship. This section also specifies that the child must have been in Italy, or the American, British, or French sector of either Berlin or Vienna, or the American, British, or French zone of either Germany or Austria on or before June 16, 1950.

Since the child in whom Mr. and Mrs. Lenz are interested was born on November 29, 1950, she is unable to comply with the two pertinent date lines which stipulate that she would have to have been a child 16 years of age or under on June 25, 1948, and have been a resident of the specified areas on or before June 16, 1950. The child is, therefore, ineligible for consideration under section 2 (e) of the Displaced Persons Act.

Section 2 (f) of the Displaced Persons Act as amended provides in essence that up to 5,000 special nonquota visas (i. e., visas granted without regard to the yearly quota limitations) may be issued prior to June 30, 1952, to any alien who is under 10 years of age at the time the visa is granted, who prior to June 30, 1950, was a resident of a number of European countries, including Germany, and who is an orphan because of the death or disappearance by, or separation or loss from both parents or, if one parent remains, the remaining parent is incapable of providing care for the child and agrees to release the child for immigration and adoption or guardianship.

While the child in whom Mr. and Mrs. Lenz are interested would appear to qualify in most respects under the provisions of section 2 (f) of the Displaced Persons Act, as summarized in the preceding paragraph, she does not so qualify because of one of the section's clear stipulations, namely, since the child was born on November 29, 1950, she was not a resident of any of the specified countries, including Germany, prior to June 30, 1950.

Section 12 (c) of the Displaced Persons Act provides that first priority in the issuance of nonpreference quota immigration visas shall be accorded children born in Germany and Austria who were 16 years of age or under on June 25, 1948, and who were legally adopted before May 1, 1949, under the laws of the country in which they are residing by American citizens living abroad temporarily.

Since Helga Matz in whom Mr. and Mrs. Lenz are interested was only born on November 29, 1950, she unfortunately can comply with neither of the date lines specified in section 12 (c) of the Displaced Persons Act (i. e., to have been a child 16 years of age or under on June 25, 1948, and to have been actually adopted prior to May 1, 1949) and is therefore ineligible for consideration under this section of the act. There are, to my knowledge, no other provisions in the Displaced Persons Act or embodied elsewhere in United States legislation under which the child might possibly be considered for immigration to the United States.

Pursuant to receipt of your inquiry, arrangements were made for the child to be medically examined for the purpose of determine whether she would be eligible

for admission to the United States under the public health standards established by the immigration Act of February 5, 1917, as amended, and by implementing regulations. This examination occurred on October 5; and I am happy to state that the results are favorable.

The consulate general has also been in communication with Dr. Norbert Volmer, the German lawyer here representing your constituents in the child's adoption proceedings and is now advised by him that the *amtsgericht* (district court) at Wiesbaden on November 7, 1951, formally approved the adoption of the child by Mr. and Mrs. Lenz.

The child is therefore considered to be qualified for immigration to the United States under the Immigration Act of 1924 as amended, but as previously mentioned, because of its relatively late date of registration, will have to await its proper turn on the waiting list of intending nonpreference immigrants under the German quota. The child is not eligible for immigration under the Displaced Persons Act of 1948, as amended. It seems to me in the circumstances, that the only way by which Mr. and Mrs. Lenz may legally at this time bring the child to the United States for permanent residence is, as you indicate in your letter, represented by the enactment of a private law by the Congress authorizing the child's entry notwithstanding the restrictions imposed by the German quota as established by the Immigration Act of 1924.

I should like to assure you that your constituents' adopted daughter is receiving every consideration consistent with the existing immigration laws and regulations, and that your interest in her has been most attentively borne in mind.

Sincerely yours,

BYRON B. SNYDER, *American Consul*
(For the Consul General).

In addition, Mr. Javits also submitted the following translated copy of the adoption decree:

STATE OF NEW YORK, *County of New York*, ss:

I, Margaret Berent, notary public in the State of New York, of 1961 Broadway, New York 23, N. Y., do hereby certify and allege under oath—

1. That the attached German document: *Beschluss des Amtsgerichts Wiesbaden*, of November 6, 1951, is a true and correct copy of the document before me dated November 6, 1951, copy given on November 7, 1951, by the *Amtsgericht Wiesbaden* in the matter of the adoption of Helga Eveline Matz by Mr. Albert Lenz and his wife Kathleen Lenz nee Gallagher of New York, N. Y.

2. That the attached document in the English language is a true and correct translation of the above-mentioned German document.

Dated: New York, April 29, 1952.

[SEAL] MARGARETE BERENT, *Notary Public, State of New York*.

Term expires March 30, 1953.

DECREE

The contract of adoption of April 24, 1951—Register of documents Nr. 485/51 of the notary Dr. Emanuel Hattmer in Bensheim a. d. B.—by which Mr. Albert Lenz and his wife Mrs. Kathleen Lenz nee Gallagher residing in New York, 736 West 173 Street, represented by their attorney, Dr. jur. Norbert Volmer, attorney-at-law in Wiesbaden, adopted Helga Eveline Matz, born on November 29, 1950, in Heidelberg, legally represented by the Child Welfare Department of the County of Heppenheim a. d. B. as official legal guardian, this agency represented by its employee Josef Berg in Heppenheim a. d. B., is hereby approved by the Court. The adopting parents are released from the requirement to have the custody of the adopted child during six months. This decree is legally final.

WIESBADEN, November 6, 1951.

AMTSGERICHT, DEPARTMENT 4 B
(signed) SCHREIBER, *Judge of the Amtsgericht*.

Given: Wiesbaden, the 7th of November 1951.

[SEAL] (Signed): [Signature, employee of the court as official in charge of the documents of the office of the *Amtsgericht*]

Amtsgericht, Wiesbaden 19—.

To: Notary Dr. Volmer, Wiesbaden.

The committee, after consideration of all the facts in the case, is of the opinion that the bill (H. R. 6109) should be enacted.

